

Final

Minutes
Virginia Outdoors Foundation
Meeting of the Board of Trustees
December 6, 2002
Forestry Building, Charlottesville, Virginia

Trustees present: Mr. Frank Kilgore, Chairman, Dr. Rupert Cutler, Ms. Katherine Imhoff, Ms. Jill Holtzman, Mr. Charles Seilheimer, and Mr. Paul Ziluca. Trustee absent: Dr. Charles Rowley.

VOF Staff Present: Tamara Vance, Executive Director, Sherry Buttrick, Anna Chisholm, Faye Cooper, Kristin Ford, Leslie Grayson, Anna Clayton Logan, Leslie Trew, and Estie Thomas. Also in attendance were Ms. Tara Boyd from LeClair Ryan, Mr. Matt Bly from the Office of Land Conservation in DCR, Mr. Dave Harris and Ms. Babbette Thorpe from the Piedmont Environmental Council, Mr. Bobby Lamb from Spotsylvania County, Mr. Mike Golden, the Director of Parks and Recreation for Chesterfield County and Ms. Carrie Hagan from the James River Association.

Chairman Kilgore convened the meeting at 10:10am. He appointed Ms. Vance as Secretary of the Meeting and she confirmed that there was a quorum present. Ms. Vance announced that approval of the minutes from the October Trustee meeting would take place at the next Trustee meeting in March.

Mr. Ziluca made a motion to approve the order of business. The motion was approved unanimously.

Dr. Cutler made a motion to approve the minutes from the September meeting. Mr. Ziluca requested the following changes; add Dr. Rowley as an absent Trustee; on page 3, paragraph 4, line 4 delete "resources to be protected" and substitute "other possible high priority special project designations" and on the same line, delete "requirements" and replace with "personnel resources..."; and on page 4, paragraph 6, line 3, delete "the other VOF owned properties section and...". The motion was approved unanimously with the above changes.

Mr. Kilgore opened the floor to questions and/or corrections to any of the easements included in the consent agenda.

Tamara Vance- moved #'s 13 and 30 to the non-consent agenda and withdrew #'s 25 and 46.

Kristin Ford- withdrew #14.

Faye Cooper- clarified that #6 includes 168 acres, and moved #12a to the non-consent agenda.

Sherry Buttrick- corrected #5 to allow 2 primary and 2 secondary dwellings in total, moved #'s 9 and 33 to the non-consent agenda, and indicated that the landowners had agreed to more restrictive setback language for #16.

Ms. Imhoff made a motion to approve the consent agenda easements with the above modifications including #'s 1- 8, 10, 11, 12, 14a, 15-29, 31, 32, 34-45, 45a, 47-56, 56a and 57.

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The motion carried with five votes. Mr. Ziluca abstained saying he had not had sufficient time to review the material.

Dr. Cutler questioned the staff concerning obtaining and enforcing forestry management plans. After some discussion, Mr. Kilgore requested that the staff review the current Memorandum of Agreement with the Virginia Department of Forestry and propose improvements for the Trustees' consideration.

Ms. Buttrick presented the Chapin easement (#9) of 110 acres in Albemarle County. Ms. Buttrick indicated that the landowner wished to have the ability to perform limited cutting of trees on the property without a management plan in order to improve the views. Dr. Cutler suggested that "limited" be further defined as a 100 x 100 ft area. Mr. Seilheimer made a motion to accept the easement with the above modifications. The motion carried with five votes. Mr. Ziluca abstained.

Ms. Cooper presented the Clayton easement (#12a) of 214 acres in Rockbridge County. Ms. Imhoff made a motion to accept the easement as presented. The motion was approved unanimously.

Ms. Vance presented the Cross easement (#13) of 120 acres in Russell County. Ms. Imhoff made a motion to accept the easement as presented. The motion was approved unanimously.

Ms. Buttrick presented the Leach easement (#33) of 33.735 in Albemarle County. Ms. Buttrick recommended acceptance of the easement in spite of its being less than 50 acres due to its proximity to the Rivanna Reservoir. Ms. Imhoff made a motion to accept the easement as presented. The motion was approved unanimously.

Ms. Buttrick presented the Allen easement (#58) of 156 acres in Greene County. Dr. Cutler made a motion to accept the easement as presented. The motion was approved unanimously.

Ms. Vance presented the Bolen/Whitworth easement (#59) of 48.9 acres in Grayson County. Ms. Vance indicated that while the landowners wished to divide the property which is not recommended by the Guidelines, they were willing to include no build zones and setbacks from the river. Ms. Vance recommended that the trustees accept the easement due to the above additional restrictions and the importance of the property being located on a high recreation use segment of the New River which was recently designated a National Heritage River. Ms. Imhoff made a motion to accept the easement with the addition of language requiring staff approval for siting of the permitted buildings. The motion was approved unanimously.

Ms. Trew presented the Freeman Branch, APVA easements (#59a) of 13.491 acres, (#59b) of 40.417 acres, (#59c) of 31.429 acres and (#59d) of 103.3 acres, all in Hanover County. Ms. Imhoff made a motion to accept the three easements as presented. The motion was approved unanimously.

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Ms. Trew presented the Blueford easement (#7) of 25 acres in Hanover County. Dr. Cutler made a motion to accept the easement as presented. The motion was approved unanimously. Mr. Kilgore mentioned that Mr. Blueford had recently received a commendation for his work in preserving battlefields. Mr. Ziluca made a motion that the chairman should write a letter to thank Mr. Blueford for his great work. The motion was approved unanimously.

Ms. Trew presented the Historic Polegreen Church easement (#74b) of 39.9 acres in Hanover County. Ms. Imhoff made a motion to accept the easement as presented. The motion was approved unanimously.

Ms. Vance presented the Bowman easement (#60) of 460 acres in Franklin County. Dr. Cutler made a motion to accept the easement as presented. The motion was approved unanimously.

Ms. Cooper presented the Brown easement (#60a) of 50 acres in Rockbridge County. Ms. Cooper indicated that the landowners were interested in permitting a windmill on the property. Ms. Imhoff made a motion to accept the easement with the addition of the standard windmill language as approved by Fred Fisher. The motion was approved unanimously.

Ms. Buttrick presented the Buckelew easement (#61) of 135 acres in Albemarle County. Ms. Tara Boyd, a representative from the LeClair Ryan law office spoke to the Trustees about Mr. Buckelew's wish to allow the option to build a grass airstrip on the property. After some discussion of the siting and appropriateness of the airstrip, Ms. Imhoff made a motion to accept the easement without the language permitting the airstrip. The motion was approved unanimously.

Ms. Buttrick presented the Chapman easement (#62) of 40 acres in Albemarle County. Though the proposal was less than 50 acres, Ms. Buttrick recommended acceptance of the easement because of its proximity to other easements, its location in a drinking watershed, and its riparian buffer language. Mr. Seilheimer made a motion to accept the easement as presented. The motion was approved unanimously.

Ms. Thomas presented the Civil War Preservation Trust (CWPT) – Payne's Farm 1 (#64) of 387.88 acres in Orange County. Mr. Cutler made a motion to accept the easement as presented. The motion was approved unanimously.

Ms. Thomas presented the CWPT – Payne's Farm 2 (#64a) of 117.72 acres in Orange County. Mr. Cutler made a motion to accept the easement as presented. The motion was approved unanimously.

Ms. Buttrick presented the Clark easement (#65) of 1100 acres in Augusta County. After some discussion concerning the large number of permitted buildings and cabins, Ms. Buttrick suggested adding the following language to paragraph six B, line two on page six, "and four secondary dwellings" after the word "dwellings" and limiting the number of permitted cabins to a total of twenty. Ms. Imhoff made a motion to accept the easement with the above modifications. The motion carried with four votes. Mr. Kilgore and Mr. Ziluca voted against the

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motion with Mr. Ziluca indicating a lack of time to properly consider the details of the large and complicated easement.

Ms. Buttrick presented the Cooley easement (#67) of 65 acres in Albemarle County. Ms. Buttrick noted that the requested two main houses exceeded VOF's Guidelines, but recommended acceptance of the easement due to its location near State Scenic Byway Rt.22 and in a Rural Historic District and in consideration of the fact that the easement extinguished 4 development rights. Mr. Seilheimer made a motion to accept the easement with the addition of language restricting the visibility of the permitted dwellings from State Scenic Byway Rt. 22. The motion carried with four votes. Ms. Imhoff and Mr. Ziluca abstained, Ms. Imhoff indicating that she was uncomfortable with the easement.

Ms. Ford presented the Dillon easement (#68) of 104 acres in Rappahannock County. Mr. Seilheimer made a motion to accept the easement as presented. The motion was approved unanimously.

Ms. Buttrick presented the Egan easement (#68a) of 278 acres in Albemarle County. Ms. Buttrick noted that the easement exceeded the Guidelines, but recommended acceptance because of the additional restrictions against intensive agriculture, the proximity of the property to a historic house and its location in a watershed. Mr. Seilheimer made a motion to accept the easement as presented. The motion was approved unanimously.

Ms. Grayson presented the Eskew easement (#69) of 172 acres in Loudoun County. Mr. Seilheimer made a motion to accept the easement as presented. The motion was approved unanimously.

Ms. Grayson presented the Fitzgerald easement (#70) of 66 acres in Loudoun County. Ms. Imhoff made a motion to accept the easement as presented. The motion was approved unanimously.

Ms. Ford presented the Forbush easement (#71) of 75 acres in Rappahannock County. Ms. Ford recommended acceptance of the easement citing the extra setback requirements for the new secondary and the proximity of the property to the Shenandoah National Park, the Skyline Drive, and the Appalachian National Scenic Trail. Mr. Ziluca made a motion to accept the easement as presented. The motion was approved unanimously.

Ms. Cooper presented the Frankford Farm easement (#72) of 138 acres in Clarke County. Mr. Ziluca made a motion to accept the easement as presented. The motion carried with five votes. Ms. Imhoff voted against the motion because the proposal did not meet the Guidelines.

Ms. Cooper presented the Godfrey easement (#73) of 119 acres in Augusta County. Ms. Imhoff made a motion to accept the easement as presented. The motion was approved unanimously.

Ms. Buttrick presented the Hill easement (#74) of 507 acres in Orange County. Ms. Imhoff made a motion to accept the easement with the understanding that the option to apply for a PTF grant in the spring after recordation was available. The motion was approved unanimously.

Public Comment Session

Mr. Matt Bly addressed the board and offered his assistance in the upcoming spring meeting discussion. Ms. Imhoff extended an open invitation for the spring session. Ms. Babbette Thorpe from the Piedmont Environmental Council thanked the VOF staff for the great work during 2002. Ms. Thorpe indicated that PEC was reviewing the draft of the secondary building guidelines and definitions that had been distributed by VOF, but as yet had no comment on them.

Continued Easement Proposals, Non-Consent

Ms. Trew presented the Lamb easement (#78) of 300 acres in Spotsylvania County. Mr. Bobby Lamb, the landowner's nephew and lawyer addressed the Trustees concerning the importance of the easement project to his uncle and his uncle's hope that his action would encourage other landowners in the area to follow suit. Mr. Lamb requested the option to apply for a PTF grant at a later date. Ms. Imhoff made a motion to accept the easement with the addition of the language to strengthen wetland restoration on the stream running through the property. The motion was approved unanimously.

Ms. Trew presented the Chesterfield County easement (#63) of 262 acres in Chesterfield County. Mr. Mike Golden, Director of Parks and Recreation of Chesterfield County addressed the Trustees about the details of the project. Mr. Cutler made a motion to accept the easement as presented. The motion was approved unanimously.

Ms. Cooper presented the Jump Mountain Land Trust (#75) of 80 acres in Rockbridge County. Ms. Imhoff made a motion to accept the easement with the deletion of Article 16. The motion was approved unanimously.

Ms. Buttrick presented the Kendrich easement (#76) of 38 acres in Amherst County. Though the proposal was less than 50 acres, Ms. Buttrick recommended acceptance of the easement due to the protection it provided to a historic cottage and its location in a drinking watershed. Mr. Seilheimer made a motion to accept the easement as presented. The motion was approved unanimously.

Ms. Buttrick presented the Kernaham easement (#77) of 208 acres in Orange County. Ms. Buttrick suggested adding language in paragraph 7 to include the permitted winery building in the 10,000 sq. ft. review, to require setbacks to minimize visibility of any permitted buildings from State Scenic Byway Rt. 644, and to clarify that a restaurant was not permitted. Mr. Ziluca made a motion to accept the easement with the above modifications. The motion was approved unanimously.

Ms. Buttrick presented the Lightburn Farms easement (#79) of 932 acres in Madison County. Mr. Seilheimer made a motion to accept the easement as presented. The motion was approved unanimously.

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Ms. Grayson presented the MacDonald easement (#80) of 121 acres in Loudoun County. Ms. Grayson indicated that the landowner wished to add language permitting a shooting range or game preserve and a second barn apartment. Mr. Seilheimer made a motion to accept the easement with the above modifications. The motion was approved unanimously.

Ms. Vance presented the Marye easement (#81) of 547 acres in Montgomery County. Ms. Vance indicated that the landowner wished to make one parcel “farm only” and to reduce the allowable dwellings to five main houses and ten secondary dwellings. Mr. Seilheimer made a motion to accept the easement with the above modifications. The motion was approved unanimously.

Ms. Buttrick presented the Merkley easement (#82) of 240 acres in Orange County. Although the requested divisions exceeded the Guidelines, Ms. Buttrick recommended acceptance of the easement because one parcel would be limited to less than 12 acres, the easement would include setbacks from State Scenic Byway Rt. 609, and the easement would be located in a National Rural Historic District. Ms. Imhoff made a motion to accept the easement as presented. Dr. Cutler left the meeting during the above discussion; the quorum was confirmed by Ms. Vance before vote. The motion was approved unanimously.

Mr. Kilgore recessed the meeting for a 10 minute break.

Ms. Vance presented the McCabe easement (#83) of 38 acres in Bedford County. Though the proposal was less than 50 acres, Ms. Vance recommended acceptance of the easement because of its location within the George Washington National Forest acquisition boundary and its protection of the historic village of Curtis located on the property. Ms. Imhoff made a motion to accept the easement as presented. The motion was approved unanimously.

Ms. Cooper presented the McLaughlin easement (#84) of 79 acres in Rockbridge County. Dr. Cutler made a motion to accept the easement with the deletion of article 16. The motion was approved unanimously.

Ms. Buttrick presented the Neal easement (#84a) of 482 acres in Orange County. Ms. Buttrick indicated that the landowner wished to have the opportunity to apply for a PTF grant at a later date. Mr. Seilheimer made a motion to accept the easement with the above option. The motion was approved unanimously.

Ms. Buttrick presented the Pelton easement (#85) of 115 acres in Albemarle County. Ms. Buttrick indicated that the landowner wished to remove the buffer language from the proposed easement and she recommended approval because the streams on the property were intermittent rather than perennial. The landowner also wished to add language allowing a winery on the property and Ms. Buttrick suggested using standard language previously approved in other easements. Mr. Ziluca made a motion to accept the easement with the above modifications. The motion was approved unanimously.

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Ms. Cooper presented the Race easement (#86) of 68 acres in Botetourt County. Although, the proposed easement exceeded VOF Guidelines regarding secondary dwellings, Ms. Cooper recommended acceptance of the easement because of the historic nature of the existing secondary dwellings, their location within other permitted structures and their small size. Mr. Seilheimer made a motion to accept the easement as presented. The motion was approved unanimously.

Ms. Vance presented the Reynolds easement (#86a) of 47.8 acres in Bedford County. Mr. Seilheimer made a motion to accept the easement as presented. The motion was approved unanimously.

Ms. Buttrick presented the Reuss easement (#86b) of 220 acres in Orange County. Although, the proposed easement exceeded VOF Guidelines regarding allowable divisions, Ms. Buttrick recommended acceptance of the easement because of additional setback provisions for Rt. 615 and the reduced number of permitted secondary dwellings. Mr. Seilheimer made a motion to accept the easement as presented. The motion was approved unanimously.

Ms. Grayson presented the Ristau easement (#87) of 70 acres in Fauquier County. Ms. Imhoff made a motion to accept the easement as presented. The motion was approved unanimously.

Ms. Cooper presented the Simmons easement (#88) of 267 acres in Highland County. Dr. Cutler made a motion to accept the easement as presented. The motion was approved unanimously.

Ms. Cooper presented the Scott easement (#89) of 240 acres in Augusta County. Although, the proposed easement exceeded VOF Guidelines regarding allowable residences, Ms. Cooper recommended acceptance of the easement because of additional setback restrictions, the requirements for underground utilities, and in consideration of the fact that the Valley Conservation Council had identified the area as a "Special Rural Area". Dr. Cutler made a motion to accept the easement as presented. The motion was approved unanimously.

Ms. Ford presented the Terry easement (#90) of 95 acres in Loudoun County. Ms. Imhoff made a motion to accept the easement as presented. The motion was approved unanimously.

Ms. Buttrick presented the Walker easement (#91) of 223 acres in Orange County. Mr. Seilheimer made a motion to accept the easement with the deletion of the fourth line in paragraph six on page four dealing with a road maintenance agreement. The motion was approved unanimously.

Ms. Vance presented the Wasserman easement (#92) of 511 acres in Russell County. Ms. Imhoff left the room but returned before the end of the discussion. Ms. Vance confirmed a quorum before the vote. Ms. Imhoff made a motion to accept the easement as presented. The motion carried with five votes. Mr. Ziluca abstained from the vote citing concern over ramifications of the unusual "landowner intent" language included in the easement.

Ms. Holtzman left the meeting and Ms. Vance confirmed the quorum.

Ms. Vance presented the Kenney/Brooks easement (#30) of 210 acres in Scott County. Dr. Cutler made a motion to accept the easement as presented. The motion carried with four votes. Mr. Ziluca abstained from the vote citing the same language and concerns mentioned above.

Ms. Cooper presented the Watson easement (#57) of 31.64 in Botetourt County. Though the proposal was less than 50 acres, Ms. Cooper recommended acceptance of the easement because of additional forested buffer requirements and in consideration of the fifteen development rights extinguished by the easement. Dr. Cutler made a motion to accept the easement as presented. Ms. Holtzman returned during the discussion before the vote. The motion was approved unanimously.

Ms. Thomas presented the Wellford easement (#93) of 2000 acres in Essex County. Ms. Thomas indicated that The Nature Conservancy wished to co-hold the easement due to the presence of rare plant species and noted that the disclosure of the sand and gravel mining rights in the easement was an IRS requirement. Ms. Imhoff made a motion to accept the easement as presented. The motion was approved unanimously.

Ms. Holtzman left the meeting early; Ms. Vance confirmed a quorum.

Ms. Vance presented the Wilson easement (#94) of 195 acres in Floyd and Franklin Counties. Mr. Seilheimer made a motion to accept the easement as presented. The motion was approved unanimously.

Ms. Buttrick presented the Wright easement (#95) of 341 acres in Louisa County. Ms. Imhoff indicated that she had a personal connection and recused herself from the vote and discussion. Mr. Seilheimer made a motion to accept the easement as presented. The motion was approved unanimously.

Ms. Buttrick presented the Oakwood easement (#45a) of 587.757 acres in Albemarle and Nelson Counties. Ms. Imhoff made a motion to accept the easement as presented. The motion was approved unanimously.

Ms. Buttrick presented the Wilkins easement (#96) of 50 acres in Amherst County. Mr. Ziluca made a motion to accept the easement as presented but to defer consideration of the PTF grant until the spring Trustee Meeting. The motion was approved unanimously.

Reconsideration of Easement Proposals

Ms. Thomas presented CBF easement (#97) of 74 acres in Northumberland County. Ms. Thomas indicated that the Trustees had previously accepted the easement at the June 2002 meeting, but that CBF wished to change the existing buffer language. Ms. Thomas recommended acceptance of the easement because the adjustments improved the easement. Ms. Imhoff made a motion to accept the easement as presented. The motion was approved unanimously.

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Ms. Buttrick presented the Funkhouser easement (#98) of 526.64 acres in Orange County. Ms. Buttrick indicated that the Trustees had previously accepted the easement at the June 2002 meeting. Ms. Buttrick indicated that the landowner now wished to add the remaining acreage of the farm to the easement. Mr. Ziluca made a motion to accept the easement as presented. The motion was approved unanimously.

Ms. Vance presented the Kennedy easement (#99) of 100 acres in Washington County. Ms. Vance indicated that the Trustees had previously accepted the easement at the October 2002 meeting. Ms. Vance explained that the bank had requested additional language to allow possible conversion of the driveway into a public road if deemed necessary as a condition for subordination. Ms. Vance recommended acceptance of the new language because the possible conversion would have little effect on the property due to the location of the driveway along the edge of the property. Dr. Cutler made a motion to accept the reconsideration as presented. The motion was approved unanimously.

Ms. Ford presented the Schaefer easement (#100) of 55 acres in Fauquier County. Ms. Ford noted that the Trustees had previously accepted the easement at the October 2002 meeting, but that the landowners wished to add a 1000 sq. ft. apartment in a permitted barn. Ms. Ford recommended acceptance of the easement because the terms still fell within the VOF Guidelines. Ms. Imhoff made a motion to accept the easement as presented. The motion was approved unanimously.

Ms. Buttrick presented the Tyner easement (#101). Ms. Buttrick indicated that the landowner wished to amend the easement to add 8.79 acres with a modern cabin and a historic manor house and curtilage. The amendment would add Department of Historic Resources (DHR) as a co-grantee and would include their historic house provisions. Ms. Imhoff made a motion to approve the amendment as presented. The motion was approved unanimously.

Ms. Buttrick presented the Johnson easement (#101a) of 140.17 acres in Madison County. Ms. Buttrick indicated that the Trustees had previously approved the easement at the June 2002 meeting, but that the landowners wished to change the easement to two parcels rather than one. Ms. Buttrick recommended acceptance of the change because the easement would still meet VOF Guidelines. Mr. Seilheimer made a motion to accept the easement as presented. The motion was approved unanimously.

Ms. Vance presented the Lineweaver easement (#105) of 76 acres in Pulaski County. Ms. Vance indicated that the Trustees had previously approved this easement at the October 2002 meeting and that at this time, the landowners were requesting the ability to upgrade a private road on the property if additional nearby property were to come into their ownership. Ms. Imhoff made a motion to accept the easement including the new language as presented which limited the upgrade to service property only if owned by the current donors. The motion was approved unanimously.

Re-Approval of Easement Proposals

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Ms. Thomas presented the Gwathmey easement (#102) of 535 acres in King William County. Ms. Thomas indicated that the Trustees had previously approved this easement at the December 2000 meeting, but due to complications in working with the Forest Legacy program it had not been recorded yet. Ms. Thomas requested that the Trustees re-approve the easement to allow completion of the project. Dr. Cutler made a motion to re-approve the easement as presented. The motion was approved unanimously.

VOF Easement Guidelines Consideration

Ms. Grayson presented a proposed revision to the VOF Guidelines with changes to recommendations for secondary dwellings. Mr. Ziluca made a motion to accept the proposed revision as presented. The motion was approved unanimously.

VOF Strategic Plan, Owned Lands Section

Ms. Grayson presented a draft of the Owned Lands section of the VOF Strategic Plan. Ms. Imhoff made a motion to accept the plan as presented. The motion was approved unanimously.

Report of Executive Director

Ms. Vance announced that VOF had received a conservation award from the Virginia Chapter of the Association of Landscape Architects.

Dr. Cutler made a motion to officially support dissolving the Regional Advisory Boards for the Open Space Lands Preservation Trust Fund citing concerns about the extra workload coordinating the Boards placed on the VOF staff and the current state budget crisis. After some discussion regarding the interest and enthusiasm of some of the regional Board members, Dr. Cutler withdrew his motion. Mr. Kilgore recommended that the staff suspend work with the Boards due to budgetary constraints, but he requested the staff to maintain a relationship with any interested members.

Ms. Vance discussed the proposed legislation concerning the Mary Moody Northen Property in Chesterfield County. Mr. Ziluca made a motion to approve a resolution from the Trustees opposing any legislation which would require or encourage diversion of the property from open space use. The motion was approved unanimously.

Mr. Kilgore appointed Ms. Imhoff, Mr. Ziluca, and Ms. Vance to plan a 200,000th acre event and press release after the first of the year.

Ms. Vance confirmed the dates of the next meetings for March 18 and June 24, with fall meeting dates to be determined.

Mr. Kilgore adjourned the meeting at 6:20 p.m.

Respectfully Submitted,

Anna Chisholm